

REMARKS

Claims 1-10 were pending at the time of the Office Action. Claim 1 has been canceled and claims 6 and 8 have been amended to update their dependencies following cancellation of claim 1. Care has been exercised not to introduce new matter. Claims 2-10 are currently pending for examination, of which claims 2, 3 and 9 are independent.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

Claims 1-10 were rejected under 35 U.S.C 103(a) as being unpatentable over Pederson et al. (WO 98/48396, hereinafter "Pederson") in view of Ulrich (U.S. Publication No. 2005/0154527, hereinafter "Ulrich"). The rejection is respectfully traversed for the following reasons.

The proposed combination of Pederson and Ulrich fails to disclose the limitations of claims 2 and 3 regarding "a container information transceiver mounted to the container and including a condition information acquisition module for acquiring condition information of the container," and "a relay disposed in a container yard where containers are collected or on a transportation means that carries the containers, said relay including a radio frequency communication module capable of communicating with the container state information transceiver and a satellite communication module capable of performing a satellite communication."

Pederson's container 4 is equipped with a radio connection device capable of communicating with satellites 5, 6 and another container. Each of the containers has its own identification data, which allows the satellites to identify position of each of the containers. Pederson's container, however, does not have any device to acquire, generate and transfer information on container's condition. (See page 3, lines 9-28) In contrast, claims 2 and 3 require

the “container information transceiver mounted to the container” to “include[ing] a condition information acquisition module for acquiring condition information of the container.” As disclosed in FIG.3, one example of what is recited in claims 2 and 3, the Black Box 205 of the container information transceiver 20 stores the positional information of the container, and information on the internal environment. (See paragraph [0061] of the application-as-published, US 2007/0132547 A1)

Next, Pederson’s relay stations 16 establish a radio connection only between the containers 4. Pederson’s relay station 16, however, does not establish a radio connection between the satellites 5, 6 and the containers 4. (See FIG. 2 and page 6, lines 6-31) In contrast, claims 2 and 3 require the “relay” to “include[ing] a radio frequency communication module capable of communicating with the container state information transceiver and **a satellite communication module capable of performing a satellite communication.**” As disclosed in FIG. 4, one example of what is recited in claims 2 and 3, the relay 30 comprises a RF communication module 301 for performing the radio frequency communication with the electronic seal device or container information transceiver and a satellite communication module 307 and a GPS receiving unit 309.

Ulrich, which was cited for the cargo tracking system, fails to cure deficiencies of Pederson.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the proposed combination of Pederson and Ulrich

fails to do so, it is respectfully submitted that claims 2 and 3 and claims dependent thereupon are patentable over the combination of Pederson and Ulrich.

Independent claims 9 recites substantially the same limitations as claims 2 and 3 regarding “a relay disposed in a container yard where containers are collected or on a transportation means that carries the containers, said relay including a radio frequency communication module capable of communicating with the electronic seal device, a satellite communication module for performing a satellite communication, and a positional information acquisition means capable of acquiring the positional information of the container.” Therefore, claim 9 and claims dependent thereupon are patentable for the same reasons as claims 2 and 3.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Hosang Lee

Registration No. L00,295

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:HL
Facsimile: 202.756.8087
Date: January 30, 2009

**Please recognize our Customer No. 20277
as our correspondence address.**